



Revised: 9/23/2016
PURSUIT

208 VEHICLE

Issued: 5/13/2005

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VEHICLE PURSUITS

PURPOSE

This General Order establishes procedures and guidelines for the operation of police vehicles while involved in vehicle pursuits. It also balances the protection of lives with law enforcement's duty to enforce the law and apprehend violators.

As a general rule, pursuit is not recommended or favored when the potential danger to the officer and general public outweighs the potential advantage of apprehending a fleeing vehicle. Pursuits are not authorized when the pursuit itself endangers life more than the escape of the person pursued; delay may be the wiser choice when the person is known and he/she poses no immediate threat to the community.

POLICY

It is the policy of the Las Cruces Police Department (LCPD) that all pursuits shall be conducted in a reasonable manner with regards to the safety of the general public and in accordance with existing statutes.

APPLICABILITY

This General Order applies to all commissioned employees. This General Order supersedes all previous versions.

REFERENCES

- CALEA 41.2.2
- NMML OPR.01.09
- Law Enforcement Safe Pursuit Act, 29-20-1 thru 29-20-4, NMSA 1978
- Las Cruces Officer Involved Incident Task Force Joint Powers Agreement

DEFINITIONS

Actively Engaged or Active Pursuit - This includes the primary and secondary unit in a pursuit as well as any other unit authorized by a supervisor to actively pursue the eluding vehicle within a reasonable distance and within sight.

Emergency Police Vehicle – A Police Vehicle used by departmental sworn law enforcement officers for answering emergency calls for service or to pursue a fleeing law



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violator. Emergency police vehicles have markings clearly identifying it as a police vehicle and have Emergency Equipment.

Avenue of Escape - A gap in a roadblock, which requires the violator to decrease the vehicle's speed to permit the violator to bypass the roadblock.

Blocking Vehicle - Any vehicle placed perpendicular to a roadway or angled in such a way as to create a roadblock.

Boxing In - Blocking a pursued vehicle with emergency police vehicles on three or four sides, in order to force the vehicle to slow to a stop.

Caravanning - More than two police vehicles in close proximity having visual contact with each other and pursuing the same vehicle over the same route.

Driving Unit (DU) - The DU is comprised of instructors specially trained in emergency vehicle operations. The DU reviews pursuits for potential training needs or policy recommendations.

Emergency Equipment - Is prominently mounted overhead lights, red and blue in color, and a siren audible for up to 250 feet from the emergency police vehicle.

Follow - Maneuvering an emergency police vehicle behind a suspect's vehicle to alert the suspect of the officer's intention to stop the suspect's vehicle. Following is also the action of traveling in the same direction as the suspect's vehicle after the termination of a pursuit.

Heading Off - Pulling out in front of a vehicle being pursued and creating a barrier for which the pursued vehicle must avoid collision.

High Speed Pursuit - An attempt by a law enforcement officer in an authorized emergency vehicle to apprehend an occupant of a motor vehicle, the driver of which is actively attempting to avoid apprehension by exceeding the speed limit (29-20-2 NMSA 1978).

Impromptu Roadblock - A restriction or obstruction used or intended for the purpose of preventing free passage of motor vehicles on a roadway in order to effect the apprehension of a violator that does not employ barricades or signage as outlined by the Manual of Uniform Traffic Control Devices (MUTCD). Impromptu roadblocks are primarily used to stop a fleeing vehicle involved in a pursuit. Impromptu roadblocks are considered a use of force due to the high possibility for great bodily injury or death.



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Involved Units – Any authorized Emergency Police Vehicle assisting with an active pursuit by engaging all emergency equipment to do any of the following: set up spike strips, position unit in specific locations to divert traffic, anticipate final destination of pursued vehicle, and any other approved method to assist in apprehension of pursued vehicle or termination of pursuit.

Law Enforcement Officer – Any person sanctioned by local, state, or national government to enforce laws and apprehend those who break them.

Las Cruces Officer Involved Incident Task Force (OITF) – The OITF is comprised of representatives from the New Mexico State Police (NMSP), Dona Ana County Sheriff's Office (DASO), New Mexico State University Police Department (NMSUPD), LCPD, and the Third Judicial District Attorney's Office (DA). Established by the 2009 Joint Powers Agreement, Investigation of Officer Involved Incidents, the OITF is a resource which may be used to investigate incidents resulting from a pursuit.

Police Vehicle – Any vehicle owned by the department.

Primary Unit - Any authorized emergency vehicle initiating a pursuit or assuming control of a pursuit as the lead vehicle (the first police vehicle immediately behind the fleeing suspect).

Pursuit – A motor vehicle pursuit is an attempt by a law enforcement officer, operating an emergency police vehicle and utilizing simultaneously all emergency equipment, to apprehend one or more occupants of another moving vehicle; when the driver of the fleeing vehicle is resisting apprehension by ignoring the officer, or attempting to elude the officer.

Pursuit Intervention Technique (PIT) - A **trained technique** whereby a police officer intentionally uses his or her emergency police vehicle to push the fleeing vehicle at an angle from the rear, which causes the pursued vehicle to spin in as controlled a manner as possible, so that the pursuit is ended.

Pursuit Supervisor – An employee holding and/or acting in the rank of sergeant, or above, who assumes control of a vehicle pursuit. The pursuit supervisor shall not be engaged in the pursuit as a primary or secondary unit **unless exigent circumstances exist**.

Ramming - The intentional collision of an emergency police vehicle and suspect vehicle which is not within PIT maneuver guidelines. Ramming is considered a use of force due to the high probability of great bodily injury or death.



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Secondary Unit - Any authorized emergency vehicle; becoming involved as a back up to the primary unit, following the primary unit at a safe distance, and communicating with dispatch during a pursuit.

Slick Top – Is a police vehicle that does not have externally mounted lights and may or may not have conspicuous markings clearly identifying it as a police vehicle to a reasonable person.

Supervisor - Any employee who by virtue of his/her rank or assignment is responsible for the direction or supervision of police officer activities.

Terminate - All units discontinue emergency vehicle operation, resume the posted speed limit, and cease following or pursuing the fleeing vehicle.

Undercover Vehicles - Any vehicle that lacks either emergency pursuit lights or a siren in combination.

Unmarked Police Vehicle – A police vehicle equipped with both lights and siren on an inside portion of the vehicle so they are not prominently displayed and does not have markings clearly identifying it as a police vehicle to a reasonable person.

Vehicle Paralleling - Driving an Emergency Police Vehicle along roads that are parallel to the active pursuit in an attempt to position an Emergency Police Vehicle in specific locations to set up spike strips, to divert traffic, anticipate final destination of pursued vehicle, and any other approved method to assist in apprehension of pursued vehicle or termination of pursuit. Driving an Emergency Police Vehicle alongside a fleeing vehicle in close proximity within the same roadway, which could cause a collision between an Emergency Police Vehicle and other vehicles is not authorized unless directed by the Pursuit Supervisor.

Vehicle Contact Action - Any action, including PIT or ramming, undertaken by the pursuing officer intended to result in contact between the moving police vehicle and the pursued vehicle.

Violator - Any person who a police officer reasonably believes exhibits intent to avoid arrest by using a vehicle to flee apprehension; or poses an immediate threat to the safety of the public or other police officers.

208.1 FOLLOW AND STOP



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- A. Prior to engaging in a pursuit an officer should:
 - 1. Follow and attempt to stop the vehicle carrying the law violator.
 - 2. Signal the intention to stop the suspect vehicle by using overhead lights. If visual signals fail, the officer should use the siren.
- B. Once the officer has reason to believe the suspect is ignoring the officer's signal and is maintaining or increasing speed to avoid apprehension, a pursuit has begun.

208.2 PURSUIT

- A. A law enforcement officer may initiate a pursuit to apprehend a suspect who the officer has reasonable grounds to believe poses a clear and immediate threat of death or serious injury to others or who the officer has probable cause to believe poses a clear and immediate threat to the safety of others that is ongoing and that existed prior to the pursuit. A law enforcement officer shall not initiate or continue a pursuit when the immediate danger to the officer and the public created by the pursuit exceeds the immediate danger to the public if the occupants of the motor vehicle being pursued remain at large.
- B. Pursuit is not recommended when the potential danger to the officer and others outweighs the potential advantage of apprehending the fleeing suspect. Officers should determine whether a pursuit of a vehicle should be initiated and terminated. Factors to determine whether to commence or continue pursuit:
 - 1. Nature of the offense(s)
 - 2. Nature of the pursuit (manner of operation of the suspect's vehicle, e.g. speeding, erratic or reckless driving)
 - 3. Officer's knowledge of the identity of the pursued suspect(s)
 - 4. Road condition (intersection, traffic control devices, curves, hills, repair, lighting and width of road)
 - 5. Population density
 - 6. Geographic location (schools, hospitals, business districts, factories etc.)
 - 7. Traffic conditions (vehicular and pedestrian)

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8. Weather
9. Officer's familiarity with the area
10. Vehicle capabilities and reliability
11. Time of day
12. Passengers in pursued vehicle

- C. If a pursuit is deemed necessary and has been initiated, a continuing reconsideration of the above factors should be made by the officer and supervisor in charge **of the pursuit**. Once made, the decision to pursue is not final. The experience and knowledge of each officer should guide individual decisions.

208.3 PURSUIT PROCEDURES

- A. Officers involved in a pursuit shall immediately activate both the police vehicle's emergency lights and siren. The emergency lighting equipment and siren shall remain in use throughout the pursuit. The primary purpose of lights and siren is to warn motorists of impending danger and to give notice to the pursued vehicle of the police officer's intention to stop the vehicle being pursued.
- B. If an officer is issued a body worn camera (BWC), officer must activate BWC as soon as possible.
- C. Upon commencing a pursuit, police officers shall inform dispatch of the following information:
1. Officer's assigned identification number
 2. Description of the vehicle and occupants being pursued
 3. Location and direction of travel
 4. Reason for the pursuit
 5. Any other relevant information



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- D. The dispatcher is responsible for documentation of officer communications throughout the pursuit.
- E. Officers shall maintain communications with the dispatcher updating location, direction of travel, and traffic conditions as often as practical.
- F. The primary pursuing police vehicle focuses on the suspect vehicle, while the secondary pursuing police vehicle shall maintain communications with dispatch.

208.4 PURSUITS INTO OR FROM OTHER JURISDICTIONS

- A. When a pursuit is about to enter another jurisdiction (town, county, or state) officers involved in the pursuit should inform dispatch and the pursuit supervisor of their anticipated entry into that jurisdiction.
- B. Officers may not join pursuits from other jurisdictions entering the City of Las Cruces unless specifically requested by pursuing agency and authorized by a supervisor. Department supervisor must determine if other jurisdiction pursuit will meet requirements of this General Order prior to authorization; and when authorized, officers shall conform to this General Order.
- C. Supervisors may direct officers to limited access highway exit ramps or street intersections to place an emergency police vehicle, with emergency lights activated, near the ramp entrance or street(s) to discourage travel by the pursued vehicle, not to block it. The police officer shall move a safe distance away from the police vehicle to avoid injury should the pursued vehicle collide with the police vehicle.
- D. Officers authorized to join pursuits from other jurisdictions shall not continue with the pursuit outside the city limits unless authorized by a supervisor.

208.5 TERMINATION TACTICS

A. Impromptu Roadblocks

Due to the high probability of great bodily injury or death to the officer and/or suspect, impromptu roadblocks are considered a use of force and must adhere to the same criteria as outlined in General Order 255.03A Parameters for Use of Deadly Force. Impromptu roadblocks may be employed upon authorization of a supervisor and after both dispatcher and pursuing officers have been notified. Roadblocks must contain an avenue of escape. Roadblocks should not be utilized unless absolutely necessary and all other reasonable attempts to stop the fleeing



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vehicle have been used or considered. Should an officer continue a pursuit, a roadblock should be utilized in only the most extreme emergencies for terminating the pursued vehicle's progress.

B. **Boxing-In** is not authorized

C. **Mechanical Stops**

Officers trained in the use of tire deflation devices or other mechanical stopping devices may deploy such devices when appropriate. Officers deploying a stopping device shall notify dispatch and the pursuit supervisor of the deployment in order to ensure police vehicles are not disabled by the mechanical device.

D. **Pursuit Intervention Technique (PIT)**

Only officers trained in the PIT maneuver will attempt it. **PIT maneuvers over 40 mph should only be used on vehicles when necessary to safeguard the lives of the public and the pursuing officer(s) and should be authorized by a supervisor if the situation allows.** The PIT shall not be used on two-wheeled vehicles, passenger-occupied buses, vehicles transporting hazardous material, or any vehicle that would pose an unusual hazard to innocent parties. The pursuing officer shall evaluate whether it is safe and reasonable to use the PIT maneuver.

E. **Ramming**

Due to the high probability of great bodily injury or death, to the officer and/or suspect, ramming is considered a use of force and shall adhere to the same criteria as outlined in General Order 255.03A Parameters for Use of Deadly Force. Officers should request supervisor approval before ramming a vehicle if the situation permits and it is not immediately necessary to prevent injury or death to innocent bystanders or officers. Ramming shall only be used when absolutely necessary to safeguard the lives of the public and officers.

208.6 VEHICLE/PROPERTY DAMAGE

A. Vehicle and/or property damage that occurs as a direct result of PIT shall adhere to the following procedures:

1. Damage shall be documented on the Offense Incident report and not a crash report.

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2. Photos shall be taken of all damage.
 3. Risk Management shall be contacted and advised of the circumstances and damages and they will determine whether or not they need to respond.
- B. Vehicle and/or property damage as a result of the suspect's driving behaviors and/or criminal acts shall be reported as appropriate through either the offense/incident report or a crash report as necessary.
- C. Other vehicle damage such as stop sticks, debris or striking of another vehicle will be reported to the Pursuit Supervisor.
- D. Vehicles involved in a pursuit should be inspected as soon as possible after termination of pursuit for damage and safety.

208.7 POLICE VEHICLES OCCUPIED BY CIVILIANS

Police vehicles occupied by prisoners, witnesses, suspects or any other civilian shall not become involved in pursuits. Officers with officially authorized ride-alongs shall break off of a pursuit if another emergency police vehicle is available to take over.

208.08 UNMARKED POLICE VEHICLES / MOTORCYCLES

- A. Unmarked police vehicles will avoid pursuits unless exigent circumstances require it. Whenever two (2) marked police vehicles become available to take over a pursuit, the unmarked vehicle will immediately withdraw from the pursuit.
- B. A motorcycle officer may initiate a pursuit, but will relinquish involvement immediately upon the participation of two (2) marked police vehicles.
- C. Undercover vehicles are not authorized to participate in any pursuit for any reason.

208.09 NUMBER OF POLICE VEHICLES INVOLVED IN PURSUIT

No more than two (2) police vehicles shall actively engage in a pursuit at any time. This does not preclude the involvement of the pursuit supervisor from requesting additional police vehicles to take part in the pursuit if circumstances warrant or ordering police vehicles to station themselves in advantageous positions. The two police vehicles actively engaged in the pursuit shall be designated as the primary and secondary pursuit vehicles. When available, a canine (K-9) officer should be utilized as the secondary



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vehicle in order to position the K-9 in an advantageous location upon termination of the pursuit. Additional units joining the Active Pursuit shall first receive verbal authorization from the Pursuit Supervisor.

208.10 TERMINATION OF PURSUIT

- A. Upon terminating a pursuit, all officers involved shall acknowledge their termination via radio.
- B. Officers receiving communications to terminate the pursuit from dispatch (via a supervisor) or a supervisor shall immediately terminate the pursuit. The operator of the secondary police vehicle will communicate to dispatch the final location and direction of travel of the vehicle pursued at the time of termination. The operator of the primary police vehicle shall acknowledge his / her termination of the pursuit to dispatch.
- C. *The decision to pursue a fleeing vehicle is never final. If the potential danger of the pursuit outweighs the benefit of apprehension, the pursuit should be terminated.*
- D. Officers are encouraged to terminate pursuits when:
 - 1. The suspect is known to the police officer
 - 2. The pursuit is outside of radio contact range
 - 3. The pursued vehicle's location is no longer known
 - 4. Potential for danger outweighs the benefit of apprehension

208.11 FOLLOWING VEHICLES

Once a pursuit has been terminated, officers will not follow the suspect's vehicle. Following a suspect's vehicle without emergency pursuit lights and siren on is dangerous, especially at high speeds, and violates the reason for which the pursuit was terminated.

208.12 REINITIATING PURSUIITS



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Reinitiating any previously terminated pursuit shall be undertaken consistent with this General Order.

208.13 POST PURSUIT DISCIPLINE

- A. Safety is foremost with any pursuit. Training related to high-risk stops must be adhered to and will be exercised by all police officers during the stop of a fleeing vehicle.
- B. All employees must remember that post-pursuit adrenaline and anxiety levels are usually high. The need for self-control and strict personal discipline are essential during this phase of a pursuit. Professionalism in the handling of suspects is required and the conduct of the officer must be above reproach.

208.14 SUPERVISOR DUTIES

- A. Supervisor shall:
 - 1. Acknowledge by radio that he/she is the **Pursuit Supervisor**; the Pursuit Supervisor shall monitor the pursuit and immediately confirm the following information:
 - a. Who is the primary/secondary unit involved?
 - b. What is the reason for the pursuit?
 - c. Current and ongoing conditions of pursuit
 - 2. Avoid becoming involved in the pursuit, unless the Pursuit Supervisor is the initiating unit. Any Pursuit Supervisor involved in a pursuit as the primary or secondary unit shall be relieved immediately upon the availability of another patrol unit.
 - a. Any additional supervisors involved or assisting in the pursuit will report to the Pursuit Supervisor. A higher ranking supervisor may assume overall command however must acknowledge this over the radio.
 - 3. Authorize or terminate pursuits upon obtaining appropriate information
 - 4. Authorize or terminate the assistance of other police units
 - 5. Continually evaluate the circumstances, provide direction to the pursuing vehicles, and terminate the pursuit if the risk of pursuing the fleeing vehicle outweighs the benefits of continuing the pursuit

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6. Ensure that all reports are submitted before the involved officer(s) go off-duty
7. The Pursuit Supervisor monitoring or terminating a pursuit will complete a report containing, at minimum, the following:
 - a. Initial reason for the pursuit
 - b. Total number of officers involved
 - c. Information relayed or known to them that justified continuation and/or termination of pursuit.
8. Review all reports.
9. Any supervisor monitoring the pursuit can terminate the pursuit when they determine there are violations of this general order. The reason(s) for terminating the pursuit must be documented in the police report.

208.15 REPORTING AND ADMINISTRATIVE REVIEW OF PURSUIITS

- A. A written report and a Blue Team report shall be submitted by the primary officer involved before the end of the employee's shift. Supplement reports are required by all others involved in the pursuit.
- B. Supervisors shall administratively review all pursuits to ensure they are consistent with this General Order. Administrative review procedures include:
 1. Ensuring reasonableness of pursuits.
 2. Ensuring that training was effective.
 3. Ensuring that policies were followed and were effective.
 4. Identifying the need to upgrade or replace equipment.
 5. Identifying employees who may require training in pursuits and termination tactics.
- C. Requests for additional review shall be processed by PSU and forwarded to the DU for review and recommendations.



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1. The Chief of Police or DU will determine how the Blue Team report will be reviewed (individual assignment, group assignment, or committee) and by whom. The DU Head will have 30 days to complete the pursuit review and return a findings report to PSU.
2. A pursuit review will consist of an examination of all police reports, the Blue Team report, audio/visual recordings, and any other available documentation.
3. The findings report submitted by the DU will contain the following:
 - a. A determination as to whether the pursuit reasonable and within policy.
 - b. Training suggestions or other recommendations (if applicable).
 - c. Identification of any policy weaknesses (if applicable).
 - d. Identification of any additional information needed to complete a comprehensive review (if applicable).
4. The DU findings shall be reported to the Chief of Police. The Chief may order the PSU to initiate an administrative investigation of the pursuit. The administrative investigation finding shall be turned over to the Chief of Police for final review and disposition.

208.16 PURSUIT RELATED CRASHES

Vehicle crashes resulting from a pursuit shall be investigated and may be referred to the LCPD Traffic Section. Vehicle crashes resulting in great bodily injury or fatality may be investigated by the Officer Involved Incident Task Force (OITF) and the LCPD Traffic Section. The OITF may be called out after authorization by the Chief of Police or his/her designee.

208.17 ANNUAL REPORT

At the end of each calendar year, PSU shall create a report for the Chief of Police containing statistical data on all pursuits from the previous calendar year.